

### **REMARKS**

Applicants address the examiner's remarks in the order presented in the Office Action (dated October 7, 2004). All claim amendments are made without prejudice and do not represent an acquiescence in any ground of rejection.

### **ADMINISTRATIVE MATTERS**

#### **Power of Attorney**

Enclosed is an Assignee Power of Attorney, Change of Correspondence Address and Certificate Under 37 C.F.R. §3.73(B) for filing in this application.

### **STATUS OF THE CLAIMS**

Claims 1-24, 26-36, and 38-40 are pending in the application. Claims 2-4, 6-8, 11-16, 19-23, 25, 27, 28, and 37-68 are cancelled. Claims 8, 11-16, 2-23, and 38-40 were cancelled as being direct to non-elected inventions. Claims 1, 5, 9, 10, 17, 24, 26, and 29-36 have been amended. The language from cancelled claims 2-4 was incorporated into claim 1. The amendments to claims 5, 9, 10, 17, 24, 26, 29-36 correct typographical errors. New claims 69 and 70 incorporate cancelled language from amended claim 31. Claim amendments are for purposes of improved clarity or consistency of claim language unless otherwise noted. No claim amendment should be construed as an acquiescence in any ground of rejection. No new matter has been added by this amendment.

Claims 2-4 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 27 and 28 stand objected to for depending from canceled claim 25.

The rejections of claims 1, 26 and 31 were withdrawn in view of Applicants' amendments filed in the July 26, 2004 Reply. The rejection of claim 31 under 35 U.S.C. § 112, first paragraph, for lacking written description, was withdrawn in view of applicant's amendments and arguments filed in the July 26, 2004 Reply.

Claims 6, 7, 17-19, 26-28, and 31 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The rejections of claims 6, 17-19, 27 and 28 over 35 U.S.C. § 112, second paragraph as being indefinite, made the March 24, 2004 Office Action, were also maintained.

Claims 1, 5-7, 9, 10, 17, 24, 26, 29, 30, and 32-36 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lemer *et al.* (U.S. 5,601,992). This rejection was maintained for the reasons of record as set forth in the March 24, 2004 Office Action.

#### **OBJECTIONS**

Claims 2-4 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 27 and 28 stand objected to for depending from cancelled claim 25.

Applicants have amended claim 1, incorporating all of the limitations of the base claim and any intervening claim into claim 1 as suggested by the examiner. Claim 1 was amended for greater clarity and consistency of claim language. Applicants have cancelled claim 27 and 28 because they depended from cancelled claim 25. Applicants respectfully request reconsideration of claims 1, 27, and 28 as amended.

**REJECTIONS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH**

Claims 6, 7, 17-19, 26-28, and 31 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. In addition, the rejections of claims 6, 17-19, 27 and 28 over 35 U.S.C. § 112, second paragraph as allegedly being indefinite, made the March 24, 2004 Office Action, were also maintained.

Applicants have cancelled claims 6, 7, 18, 19, 26, 27, and 28 without prejudice. The phrase “such as” was deleted from claim 31. Applicants amended claim 31 for greater clarity and consistency of claim language. Applicants respectfully request reconsideration of claims 1, 27, and 28 as amended. Therefore, Applicants ask that the rejection of claims 6, 7, 17-19, 26-28, and 31 be withdrawn in view of the amendments to the claims.

**REJECTIONS UNDER 35 U.S.C. § 102(B)**

Claims 1, 5-7, 9, 10, 17, 24, 26, 29, 30, and 32-36 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Lerner *et al.* (U.S. 5,601,992). This rejection was maintained for the reasons of record as set forth in the March 24, 2004 Office Action. This rejection is overcome in part by amendment to the claims and in part is traversed as discussed below. Applicants note that the examiner stated the claims 2-4 were free of the prior art. As indicated above, Applicants have amended claim 1 for greater clarity and consistency of claim language, incorporating all of the limitations of the base claim and any intervening claims into claim 1 as suggested by the examiner. More specifically, Applicants incorporated the language of claims 2-4 into claim 1.

Applicants submit that amended claim 1 is not anticipated by Lerner *et al.* Similarly, all claims depending from amended claim 1 are likewise not anticipated by Lerner *et al.* Therefore claims 5, 9, 10, 24, 26, 29, 30, and 32-26 are also not anticipated by Lerner *et al.*

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PATENT  
REPLY FILED UNDER EXPEDITED  
PROCEDURE PURSUANT TO  
37 CFR § 1.116

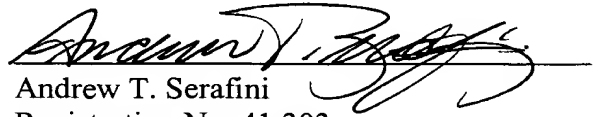
Claims 6, 7, and 17 were cancelled. Therefore the rejection of claims 6, 7 and 17 under 35 U.S.C. § 102(b) as allegedly being anticipated by Lemer *et al.* (U.S. 5,601,992) has been mooted by cancellation of these claims. Independent claim 1 was amended as discussed in detail above. Any claims depending from an independent claim include all of the independent claim limitations. Thus, if an independent claim is not found to be anticipated by a reference, then all of the claims which depend from that independent claim also cannot be anticipated by the same reference.

Without acceding to the propriety of the rejection of pending claims 1, 5, 9, 10, 24, 26, 29, 30, and 32-26 under 35 U.S.C. § 102(b) as allegedly being anticipated by Lemer *et al.* (U.S. 5,601,992), Applicants respectfully request reconsideration of the claims as amended. For these reasons, Applicants request the examiner to withdraw the rejection of pending claims 1, 5, 9, 10, 24, 26, 29, 30, and 32-26 under 35 U.S.C. § 102(b).

The foregoing represents a *bona fide* attempt to advance the present case to allowance. Applicants submit that this application is now in condition for allowance.

Accordingly, an indication of allowability and an early Notice of Allowance are respectfully requested. If the Examiner believes that a telephone conference would expedite prosecution of this application, please telephone the undersigned at 206-332-1380.

Date: March 21, 2005

  
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